

PUBLIC HEARING - CLOSING AN UNDEVELOPED PORTION OF HOWARD STREET 6:30 p.m.

AGENDA

MALVERN CITY COUNCIL
Monday, May 9, 2016
CITY HALL COURTROOM, 7:00 P.M.

I. CALL THE MEETING TO ORDER

II. INVOCATION

A. Rev. Scott Efird,

III. ROLL CALL

IV. APPROVE MINUTES OF PREVIOUS MEETING

A. April 11, 2016

V. ACKNOWLEDGE RECEIPT OF DEPARTMENTAL REPORTS

- A. Financial Statement*
- B. Street Department Report*
- C. CEO/Fire Department Reports*
- D. Police Report*
- E. Water Department Report*
- F. LifeNet Report*

VI. OLD BUSINESS

A. Discuss proceeding with relocation of Treasurer's Office and District Court Offices

VII. NEW BUSINESS

- A. Revoke Oak Ridge Cemetery Caretaker Contract*
- B. Vote to Refinance Bonds at Malvern Water Works and Add Line Item to Budget for Legal Fees*
- C. Approve Agreement with COTO for School Resource Officer*
- D. Approve Drainage Project on parking lot located at W. Page and Olive*
- E. Authorize Mayor to sign Airport Operating Contract*
- F. Ordinance Closing Undeveloped Portion of Howard Street*

VIII. CITIZENS WISHING TO APPEAR

IX. MAYOR REPORTS

X. ADJOURNMENT

Minutes of the Malvern City Council

1

Held in the City Hall Courtroom

Monday, May 9, 2016

The Malvern City Council met for its regular monthly meeting on Monday, May 9, 2016 at 7:00 p.m. in the City Hall Courtroom, following a 6:30 p.m. public hearing to receive comments about closing an undeveloped portion of Howard Street. Mayor Brenda Weldon called the meeting to order and welcomed everyone to the meeting. Present for the meeting were Council members Mary Fraction, William Wilson, Lynn Davis, J. Wayne Reynolds, Robin Halbert, Larry Stiles and David Cross with Peggy Lusinger absent. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft. Mayor Weldon declared a quorum present. The invocation and pledge of allegiance were led by Rev. Scott Efird, who serves as the City's Animal Control Officer.

A motion was made by Reynolds, seconded by Stiles to adopt the minutes of the previous regular meeting held on April 11, 2016. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

Monthly departmental reports were considered. A motion was made by Fraction seconded by Reynolds to accept departmental reports as posted. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

Under old business, Mayor Weldon reported that Hot Spring County has agreed to pay 1/3 of the relocation costs for moving the Treasurer's Office across the street and relocating the District Court Offices upstairs at City Hall, but Judge Burnett has not received a reply from the City of Rockport. She also reported that we have applied for a grant through Representative Ken Bragg, who serves a portion of the county, but not the city of Malvern. He has committed \$5,000 but we have applied for the whole amount. We have also received a commitment from Representative Womack for \$2,000 in grant money. We have \$13,500 from the grant we received before earmarked for the project and are actively seeking more. Judge Williams has said that there is a possibility that there may be some money available from the governor through his discretionary funds. Council member Fraction made a motion to begin the renovation on the building. Alderman Stiles asked if Rockport should decline to participate in the relocation costs, is Hot Spring County willing to pick up half of their portion and pay \$12,000? The Mayor stated that she had not approached the County about that. She stated that the total cost for the project is \$38,000 and we have \$13,500 from the grant, leaving \$24,000 to be divided three ways, or \$8,000 per entity. The Mayor noted that the renovation is for remodeling the left side of the building only and the bathroom and extending some ductwork and plumbing work to the kitchen area. Perhaps in the future the right side can be utilized for a meeting room since we will lose use of the courtroom during the daytime. Alderman Stiles stated that he would like to have confirmation on where the money is coming from and who is participating in the renovation before proceeding. Alderman Fraction withdrew her motion. A motion was made by Stiles, seconded by Reynolds to table the

Minutes of the Malvern City Council

2

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Monday, May 9, 2016

renovation until more information can be received from Rockport and the County. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

Mayor Weldon reported that T&T Backhoe Services had not fulfilled its contract at the Oak Ridge Cemetery and she asked that the Council revoke the contract. The company did satisfactory work during the months of February and March, but has not been to the cemetery at all during the month of April. They were contacted at least three times by Street Superintendent Michael Smith and each time he was given an excuse. The Council then discussed option of rebidding the contract or going with the next option on the bid summary. Mayor Weldon stated that Smith had contacted the next bidder to see if he was interested, and he stated that he was. She stated that Mr. Morrison had the contract before and from her understanding, he did not provide an acceptable service. Alderman Cross asked Mr. Smith if the Street Department was working out there right now and he said that they were. When the City cared for it, there was a part-time position of four days per week, year around and he also worked at the street department in extreme weather. Alderman Cross stated that even paying a new contractor \$28,750 annually, we are still saving money because the cost of a city employee out there even part time was about \$38,000, including benefits, and that did not cover equipment or maintenance. A motion was made by Reynolds, seconded by Fraction to revoke the contract with T&T Backhoe Services. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried. Attorney Ashcraft was asked if the city was legally bound to rebid the contract, and she stated that she did not think so because the contract was rescinded because of noncompliance and we are going back to the original bid summary. If we cannot find someone on the original summary that is satisfactory, then it will have to be rebid. A motion was made by Cross, seconded by Halbert to negotiate a contract with Larry Tatum d/b/a/ Enviro Services in the amount of \$28,750 annually. The City Attorney will negotiate the contract and bring it back for approval next month. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

Alderman Cross made a motion, seconded by Reynolds, to give the Water and Sewer Department approval to get the process started to refinance water and sewer bonds, and add a line item to the water department budget for legal fees associated with the refinancing. Alderman Cross stated that he would like the public to know that this refinancing will save the city over \$1M dollars. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for, motion carried. Mayor Weldon stated that this just gives the water department permission to begin the process, and the specifics will be brought back to the Council.

Minutes of the Malvern City Council

3

Held in the City Hall Courtroom

Monday, May 9, 2016

A motion was made by Fraction, seconded by Reynolds to approve an agreement with COTO for a school resource officer. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

A motion was made by Reynolds, seconded by Stiles to approve the drainage project on the parking lot located at W. Page and Olive Streets. Mayor Weldon noted that the cost for the project is \$12,000 and will be taken from Special Street Projects. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

A motion was made by Reynolds, seconded by Stiles to approve the contract between the City and James Neely for operation of the Malvern Municipal Airport, and to authorize the Mayor to sign it. Mayor Weldon noted that this is the same contract we have had for many years with Ricci Davis, but that he is planning to retire. Mr. Neely has been recommended by the Airport Commission for the operation of the airport. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

Alderman Cross introduced an ordinance closing an undeveloped portion of Howard Street, located in the Tarvin Addition to the City of Malvern. The Clerk read the ordinance for its first reading. Mayor Weldon noted that the property has been sold and the undeveloped street had been discovered in a title search. The closing of the street is keeping the young couple from closing on their loan and needs to be adopted tonight if possible. It was noted that a public hearing had been held at 6:30 and there was no opposition voiced at the hearing. A motion was made by Davis, seconded Cross to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried and the Clerk read the ordinance for its second reading by title only. A motion was made by Fraction, seconded by Davis to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried and the ordinance was read for the third and final time by title only. A motion was made by Fraction, seconded by Halbert to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried and the ordinance was declared adopted and assigned No. 2016-05. A motion was made by Halbert, seconded by Reynolds to adopt the emergency clause. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried and the emergency clause was declared adopted.

Minutes of the Malvern City Council

4

Held in the City Hall Courtroom

Monday, May 9, 2016

ORDINANCE NO. 2016-05

AN ORDINANCE VACATING PART OF HOWARD STREET WITHIN THE CITY OF MALVERN, ARKANSAS

A motion was made by Stiles, seconded by Fraction to open the agenda to consider a resolution condemning the structure located at 1703 Wilson Street. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried.

Council Member Stiles introduced a resolution condemning the structure located at 1703 Wilson Street in the City as recommended by the Code Enforcement Department. The Clerk read the resolution. Mayor Weldon explained that the City had tried to work with the owners on this property. It was a burnout and after a time of nothing being done, the owners were issued a summons and went to court. They were fined but did not pay them. Now the property is in foreclosure with HUD and this is something we must do in order to work with HUD in getting the property cleaned up and torn down. It is a menace to the neighborhood as it is harboring varmints and snakes. A motion was made by Stiles, seconded by Fraction to approve the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Halbert, Stiles, and Cross with Lusinger absent. All present voting for motion carried and the resolution was assigned No. 05-2016.

RESOLUTION NO. 05-2016

A RESOLUTION DECLARING CERTAIN PROPERTIES IN THE CITY OF MALVERN, ARKANSAS AS UNFIT AND UNSAFE STRUCTURES

Mayor Weldon reported that she will again visit with Judge Burnett and Judge Williams about the relocation project and try to have something for the Council by the next meeting.

There being no further business to come before the Council and upon a motion by Reynolds, seconded by Davis to adjourn. Mayor Weldon declared the meeting adjourned.



Brenda J. Weldon, Mayor



Phyllis Dial, City Clerk/Treasurer

BID SUMMARY

The City of Malvern opened sealed bids on Tuesday, December 1, 2015 at 10 o'clock a.m. in the Clerk/Treasurer's Office for the maintenance and upkeep of the Oak Ridge Cemetery. Present for the opening were City Clerk/Treasurer Phyllis Dial, Street Superintendent Mike Smith, and Kim Pierce of the Treasurer's Office. The Clerk/Treasurer opened the bids beginning at 10:11 a.m. Five bids were received with the results as follows:

Clifford Morrison
575 Post Oak Road
Arkadelphia, Arkansas 71923

\$1299.00 per month
(\$15,588.00 annually)

Booth Lawn Care
1340 S. Anderson Road
Hazen, Arkansas 72064

\$34,500.00 per year
Bid included list of equipment, and proof of liability & workers' comp insurance.

Anthony Grass & Leaves LLC
121 Cabe Street
Malvern, Arkansas 72104

\$33,500.00 per year

Larry Tatum d/b/a Enviro Services
213 Glen Rose Road
Malvern, AR 72104

\$28,750.00 per year
Liability Ins. Certificate & Workers Comp. Certificate to be presented at award of contract. References included.

T&T Backhoe Service Inc.
PO Box 198
Rison, Arkansas 71665

\$14,208.00 per year
To be paid in monthly installments of \$1,184.00 monthly. Cert. of Liability and Workers' Comp insurance, and references included.

MALVERN WATER WORKS

Debt Listing As of 4/28/2016

Bond	Original Loan Amount	Payoff Date	Current Interest		Proposed Interest		Outstanding Balance	Current Payment		Proposed Payment		Legal Fees	Total Savings
			Rate		Rate			Amount		Amount			
1998 RLF Water & Sewer Revenue Bond	6,520,000	4/15/2021	3.75%		1.50%		\$ 2,108,029	\$ 2,331,500		\$ 2,195,960		\$	135,540
2004A Capital Improvement Revenue Bond	3,187,664	4/15/2032	3.50%		2.50%		2,077,439	2,730,912		2,533,339			197,573
2004B 2.5% Water & Sewer Revenue Bond	10,812,336	10/15/2036	3.50%		2.50%		8,450,859	11,952,115		10,852,136			1,099,979
2009 1.75% Water & Sewer Revenue Bond	500,000	10/16/2031	2.75%		2.75%		410,024	506,385		506,385			-
2007 Water & Sewer Revenue Fund	1,339,000	12/1/2037	4.75%		4.75%		1,141,426	1,852,224		1,852,224			-
2005 Lease-Purchase Agreement	1,389,139	6/1/2035	4.50%		3.90%		1,102,523	1,667,679		1,584,609			83,070
2005A Water Sewer Revenue Bond	206,000	6/1/2035	0.00%		0.00%		137,330	137,330		137,330			-
TOTALS							\$ 15,427,630	\$ 21,178,145		\$ 19,661,983		\$ 8,000	\$ 1,508,162

PROPOSAL #1

Total Amount for COTO Increase:

	Current Base Salary	Current w/ Benefits *	Proposed Base Salary	Proposed w/ Benefits *	Difference -	Total Amount of Proposed Increase Of Each Position*	Total Increase*
Patrol	\$28,000.00	(\$50,414.34)	\$30,000.00	(\$53,195.31)	Difference -	\$2,780.97 x 7	\$19,466.79
Corporal	\$30,000.00	(\$53,221.03)	\$30,500.00	(\$53,916.27)	Difference -	\$ 695.24 x 7	\$ 4,866.68
Sergeant	\$33,093.00	(\$55,337.98)	\$36,093.00	(\$59,718.00)	Difference -	\$4,380.02 x 4	\$17,520.08
Lieutenant	\$36,008.00	(\$64,523.98)	\$38,008.00	(\$67,444.00)	Difference -	\$2,920.02 x 2	\$ 5,840.04
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						Total Increase	\$47,693.59
						Less COTO Contribution	-\$32,000.00
						Total Increase to City	\$15,693.59

* Benefit Package Includes Longevity, Incentives, Holiday Pay, Insurance, Workers' Compensation , Social Security, and LOPFI

PROPOSAL #2

Total Amount for COTO Increase:

	Current Base Salary	Current w/ Benefits *	Proposed Base Salary	Proposed w/ Benefits *	Difference -	Total Amount of Proposed Increase Of Each Position *	Total Increase*
Patrol	\$28,000.00	(\$50,414.34)	\$30,000.00	(\$53,195.31)	Difference -	\$2,780.97 x 7	\$19,466.79
Corporal	\$30,000.00	(\$53,221.03)	\$30,500.00	(\$53,916.27)	Difference -	\$ 695.24 x 7	\$ 4,866.68
Sergeant	\$33,093.00	(\$55,338.98)	\$35,093.00	(\$58,257.99)	Difference -	\$2,919.01 x 4	\$11,676.04
Lieutenant	\$36,008.00	(\$64,525.41)	\$37,008.00	(\$65,983.99)	Difference -	\$1458.58 x 2	\$ 2,917.16
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						Total Increase	\$38,926.67
						Less COTO Contribution	- \$32,000.00
						Total Increase to City	\$ 6,926.67

* Benefit Package Includes Longevity, Incentives, Holiday Pay, Insurance, Workers' Compensation , Social Security, and LOPFI

1

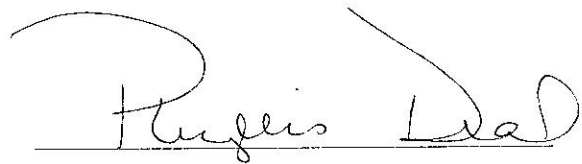
PUBLIC HEARING
Of the Malvern City Council
Held in the City Hall Courtroom
Monday, May 9, 2016 6:30 P.M.

The Malvern City Council held a public hearing at 6:30 p.m. on Monday, on Monday, May 9, 2016 in the City Hall Courtroom immediately prior to the regular monthly scheduled City Council Meeting for the purpose of receiving comments concerning the request to close an undeveloped portion of Howard Street in the Tarvin Addition to the City of Malvern.

Mayor Brenda Weldon presided at the hearing and Council Members in attendance were Mary Fraction, William Wilson, Lynn Davis, J. Wayne Reynolds, Larry Stiles and David Cross. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft.

Judge Sherry Burnett appeared before the council and stated that she owns the property in question, located on W. Donnelly Street. She stated that they are selling the property and when a title search and survey were done, it was discovered by the surveyor that there is a portion of Howard Street that was never developed and shows on the plat (which is from the early 1900's). She stated that the structure on the property was there when they purchased the property. She stated that the structure was in pretty bad shape when they purchased it, but that they have renovated but have not made any additions to the structure. She told the council that the undeveloped street runs right through a carport which was there when they purchased the property. When asked by the Council why a title search didn't discover the problem when she bought the property, she stated that those were not usually done back when they purchased the property. She told the Council that they have received the consent of the adjacent landowner. Alderman Reynolds asked if there is any chance of development around the property, and she stated that she wasn't sure. She said it is a briar patch now and very steep, and runs into Chatman Creek. She asked that the undeveloped street be closed as soon as possible, as it is keeping the young couple from receiving the title policy and closing on their loan.

Mayor Weldon asked is anyone would like to speak against the closing of the undeveloped street. With no further comments from the public, and upon a motion and second by Alderman Reynolds, seconded by Council Member Fraction, Mayor Weldon declared the public hearing closed at approximately 6:39 p.m.

A handwritten signature in cursive script, appearing to read "Phyllis Dial", written over a horizontal line.

Phyllis Dial, City Clerk/Treasurer